

N60201.AR.002722
NS MAYPORT
5090.3a

SITE REHABILITATION COMPLETION ORDER FOR AREA OF CONCERN C NS MAYPORT
FL
9/9/2013
FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION



FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION

BOB MARTINEZ CENTER
2600 BLAIR STONE ROAD
TALLAHASSEE, FLORIDA 32399-2400

RICK SCOTT
GOVERNOR

HERSCHEL T. VINYARD JR.
SECRETARY

September 9, 2013

Department of the Navy
Naval Facilities Engineering Command Southeast
Attn: Mr. Dana Hayworth (OPC 6), Remedial Project Manager
135 Ajax Street North, Building 903
Naval Air Station Jacksonville
Jacksonville, Florida 32212-0030

Subject: Site Rehabilitation Completion Order
Area of Concern (AOC) C
Naval Station Mayport
Jacksonville, Duval County
Operating and Corrective Action
Permit No. 72442-HO-004

Dear Mr. Hayworth:

The Bureau of Waste Cleanup has reviewed the Final Site Rehabilitation Completion Report (SRCR) and No Further Action (NFA) Proposal dated November 12, 2012 (received November 13, 2012), submitted by Tetra Tech, Inc (Tetra Tech). Maps showing the location of AOC C and the former location of the "contaminated site" for which this Order is being issued are enclosed as Exhibits 1 and 2 and are incorporated by reference herein.

The contamination, which resulted from a discharge that occurred on May 4, 1993, consisted of tetrachloroethene (PCE) and its breakdown products. An accident report documented that approximately 25 to 30 gallons of PCE were released from a punctured 55-gallon drum onto asphalt pavement. The release was located north of Building 191 between Buildings 281 and 191-A.

AOC C, Building 191 and its outlying buildings are located in the southeastern portion of the Naval Station (NAVSTA) Mayport Turning Basin. Storage areas at Building 191 are used to support ship and shore services at NAVSTA Mayport by providing areas to receive, temporarily store, and distribute supplies. The outlying buildings are used to warehouse hazardous materials such as solvents and compressed gases. The original boundary of AOC C included Buildings 191, 1488, and the buildings and facilities around the southern portion of Echo Pier and the releases from petroleum lines and a waste oil tank. An investigation conducted in the vicinity of Building 191 to determine the impact of the PCE release reported the presence of vinyl chloride and other chlorinated compounds in the groundwater at Echo Pier. It was presumed that the detections on Echo Pier were related to the contaminants detected near Building 191. This led to

the formation of AOC C as a formal investigative unit. After the Resource Conservation and Recovery Act Facility Investigation (RFI), it was determined that there was no correlation between the detections at Building 191 and Echo Pier. As a result, the NAVSTA Mayport Installation Restoration Partnering Team revised the boundaries of AOC C to include only Building 191 and a small section of parking lot along its northern side. The petroleum releases in the vicinity of Building 191 were remediated separately from AOC C and NFA has already been issued by the Department. Further evaluations of the vinyl chloride and other chlorinated compound detections at Echo Pier will be associated with SWMU 47.

Corrective actions at AOC C have been conducted in accordance with permit number 72442/HH/004 (hereinafter "the Permit") that was executed by the Florida Department of Environmental Protection (Department) on January 17, 2009. The NFA proposal is supported by previous submittals prepared pursuant to the referenced permit, including, but not limited to:

1. Tetra Tech, Inc., August 2003. Resource Conservation and Recovery Act (RCRA) Facility Investigation for AOC C, Revision 1, Naval Station Mayport, Jacksonville, Florida.
2. Tetra Tech, Inc., November 2011. Fourth Quarter Long-Term Monitoring Report for Fiscal Year 2011 for Solid Waste Management Units 1-7, 14, 15, 22-25, and AOC C, Naval Station Mayport, Jacksonville, Florida.

Based on the documentation submitted in the SRCR/NFA Proposal and the above referenced documents, the Department has reasonable assurance that Naval Station Mayport has met the criteria in Chapters 62-730 and 62-780, Florida Administrative Code (F.A.C.) and the terms of the Permit. The submittals indicate that soil and groundwater contaminant concentrations are below the applicable Soil Cleanup Target Levels and Maximum Concentration Limits or Groundwater Cleanup Target Levels as adopted in Chapter 62-777, F.A.C. (Effective date April 17, 2005). Therefore, Naval Station Mayport has satisfied the site rehabilitation requirements for the above-referenced contaminated site and is released from any further obligation to conduct site rehabilitation at the contaminated site, except as set forth below. Exhibit 3, incorporated by reference herein, provides information regarding the contaminants, affected media, and applicable cleanup target levels for the contaminated site that is the subject of this Order.

Failure to meet the following requirement will result in the revocation of this Order:

- (a) Except for those wells that may be required for the investigation of adjacent sites or that are otherwise required for compliance with Chapter 62-761, F.A.C., Naval Station Mayport is required to properly abandon all monitoring wells within 60 days of receipt of this Order or an alternative time frame approved by the Department. The monitoring wells must be plugged and abandoned in accordance with the requirements of Rule 62-532.500(4), F.A.C.

Further, in accordance with Chapter 376.30701(4), Florida Statutes (F.S.), upon completion of site rehabilitation, additional site rehabilitation is not required unless it is demonstrated that:

- (a) Fraud was committed in demonstrating site conditions or completion of site rehabilitation;
- (b) New information confirms the existence of an area of previously unknown contamination which exceeds the site-specific rehabilitation levels established in accordance with Section 376.30701(2), F.S., or which otherwise poses the threat of real and substantial harm to public health, safety, or the environment;
- (c) A new discharge of pollutants or hazardous substances occurs at the site subsequent to the issuance of this Order.

Legal Issues

The Department's Order shall become final unless a timely petition for an administrative hearing is filed under Sections 120.569 and 120.57, F.S., within **21** days of receipt of this Order. The procedures for petitioning for a hearing are set forth below.

Persons affected by this Order have the following options:

- A. If you choose to accept the Department's decision regarding this SRCO, you do not have to do anything. This Order is final and effective on the date filed with the Clerk of the Department, which is indicated on the last page of this Order.
- B. If you choose to challenge the decision, you may do the following:
 - 1. File a request for an extension of time to file a petition for hearing with the Department's Agency Clerk in the Office of General Counsel within **21** days of receipt of this Order. Such a request should be made if you wish to meet with the Department in an attempt to informally resolve any disputes without first filing a petition for hearing; or
 - 2. File a petition for administrative hearing with the Department's Agency Clerk in the Office of General Counsel within **21** days of receipt of this Order.

Please be advised that mediation of this decision pursuant to Section 120.573, F.S., is not available.

How to Request an Extension of Time to File a Petition for Hearing

For good cause shown, pursuant to Rule 62-110.106(4), F.A.C., the Department may grant a request for an extension of time to file a petition for hearing. Such a request must be filed (received) by the Agency Clerk in the Office of General Counsel of the Department at 3900 Commonwealth Boulevard, Mail Station 35, Tallahassee, Florida, 32399-3000, within **21** days of

receipt of this Order. Petitioner, if different from the Dana Hayworth/Naval Station Mayport, shall mail a copy of the request to Dana Hayworth/Naval Station Mayport at the time of filing. Timely filing a request for an extension of time tolls the time period within which a petition for administrative hearing must be made.

How to File a Petition for Administrative Hearing

A person whose substantial interests are affected by this Order may petition for an administrative hearing under Sections 120.569 and 120.57, F.S. The petition must contain the information set forth below and must be filed (received) by the Agency Clerk in the Office of General Counsel of the Department at 3900 Commonwealth Boulevard, Mail Station 35, Tallahassee, Florida, 32399-3000, within **21** days of receipt of this Order. Petitioner, if different from the Dana Hayworth/Naval Station Mayport, shall mail a copy of the petition to Dana Hayworth/Naval Station Mayport at the time of filing. Failure to file a petition within this time period shall waive the right of anyone who may request an administrative hearing under Sections 120.569 and 120.57, F.S.

Pursuant to Subsection 120.569(2), F.S., and Rule 28-106.201, F.A.C., a petition for administrative hearing shall contain the following information:

- a) The name, address, and telephone number of each petitioner; the name, address, and telephone number of the petitioner's representative, if any; the site owner's name and address, if different from the petitioner; the DEP facility number; and the name and address of the facility;
- b) A statement of when and how each petitioner received notice of the Department's action or proposed action;
- c) An explanation of how each petitioner's substantial interests are or will be affected by the Department's action or proposed action;
- d) A statement of the disputed issues of material fact, or a statement that there are no disputed facts;
- e) A statement of the ultimate facts alleged, including a statement of the specific facts the petitioner contends warrant reversal or modification of the Department's action or proposed action;
- f) A statement of the specific rules or statutes the petitioner contends require reversal or modification of the Department's action or proposed action; and
- g) A statement of the relief sought by the petitioner, stating precisely the action petitioner wishes the Department to take with respect to the Department's action or proposed action.

This Order is final and effective on the date filed with the Clerk of the Department, which is indicated on the last page of this Order. Timely filing a petition for administrative hearing postpones the date this Order takes effect until the Department issues either a final order pursuant to an administrative hearing or an Order Responding to Supplemental Information provided to the Department pursuant to meetings with the Department.

Mr. Dana Hayworth
Naval Station Mayport, AOC C
Page 5
September 9, 2013

Judicial Review

Any party to this Order has the right to seek judicial review of it under Section 120.68, F.S., by filing a notice of appeal under Rule 9.110 of the Florida Rules of Appellate Procedure with the Agency Clerk of the Department in the Office of General Counsel, Mail Station 35, 3900 Commonwealth Boulevard, Tallahassee, Florida 32399-3000, and by filing a copy of the notice of appeal accompanied by the applicable filing fees with the appropriate district court of appeal. The notice of appeal must be filed within thirty days after this order is filed with the clerk of the Department (see below).

Questions

Any questions regarding the Department's review of your SRCR/NFA Proposal should be directed to John Winters at (850) 245-8999, or John.Winters@dep.state.fl.us. Questions regarding legal issues should be referred to the Department's Office of General Counsel at (850) 245-2242. Contact with any of the above does not constitute a petition for administrative hearing or request for an extension of time to file a petition for administrative hearing.

Sincerely,



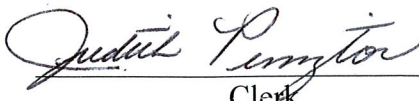
Douglas A. Jones, Program Administrator
Waste Cleanup Program
Division of Waste Management

DAJ/jdw

Enclosures (Exhibits 1, 2, and 3)

cc: Tim Bahr, FDEP, Tallahassee
File

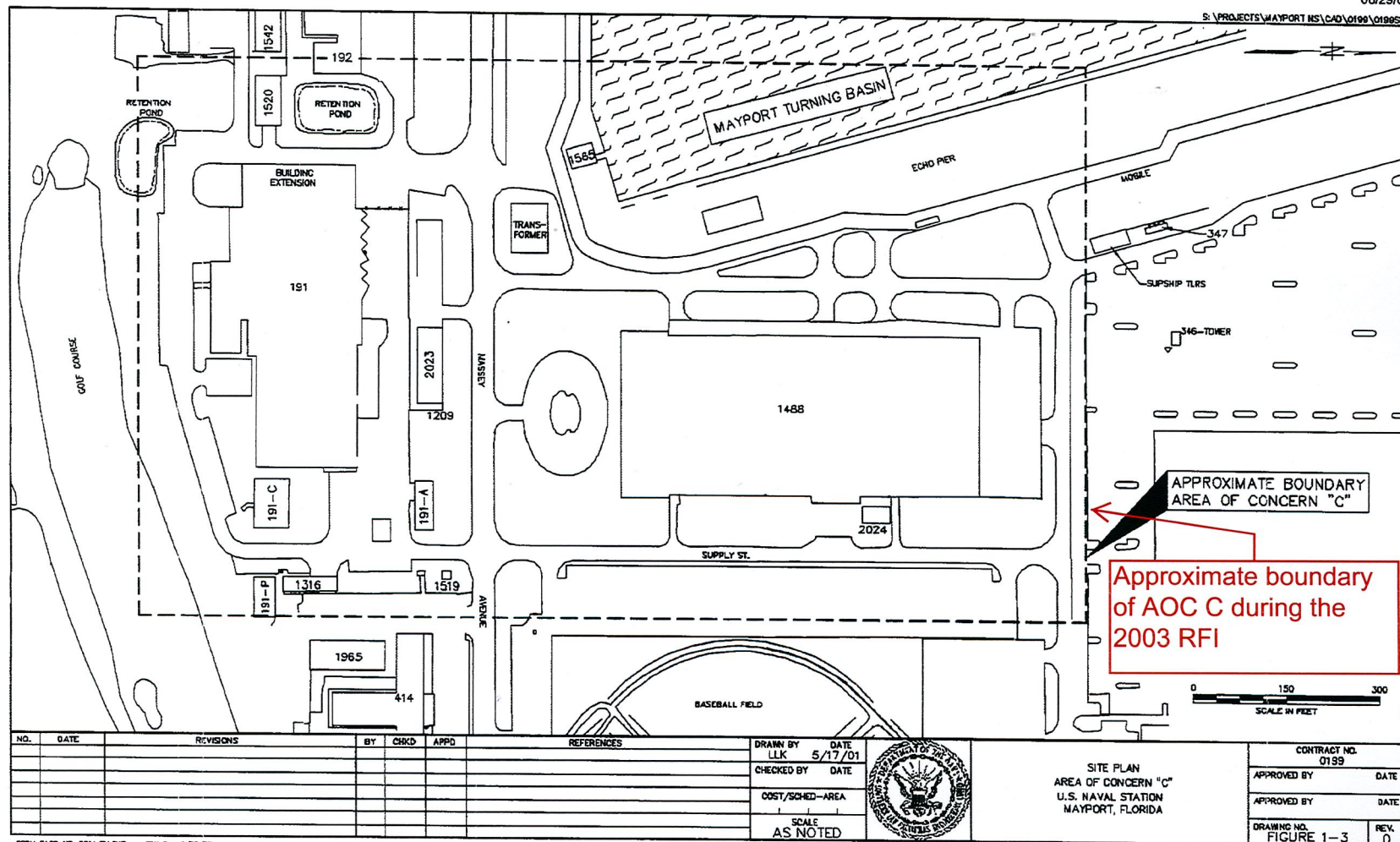
FILING AND ACKNOWLEDGMENT
FILED, on this date, pursuant to
§120.52 Florida Statutes, with the
designated Department Clerk, receipt
of which is hereby acknowledged.



Clerk
(or Deputy Clerk)

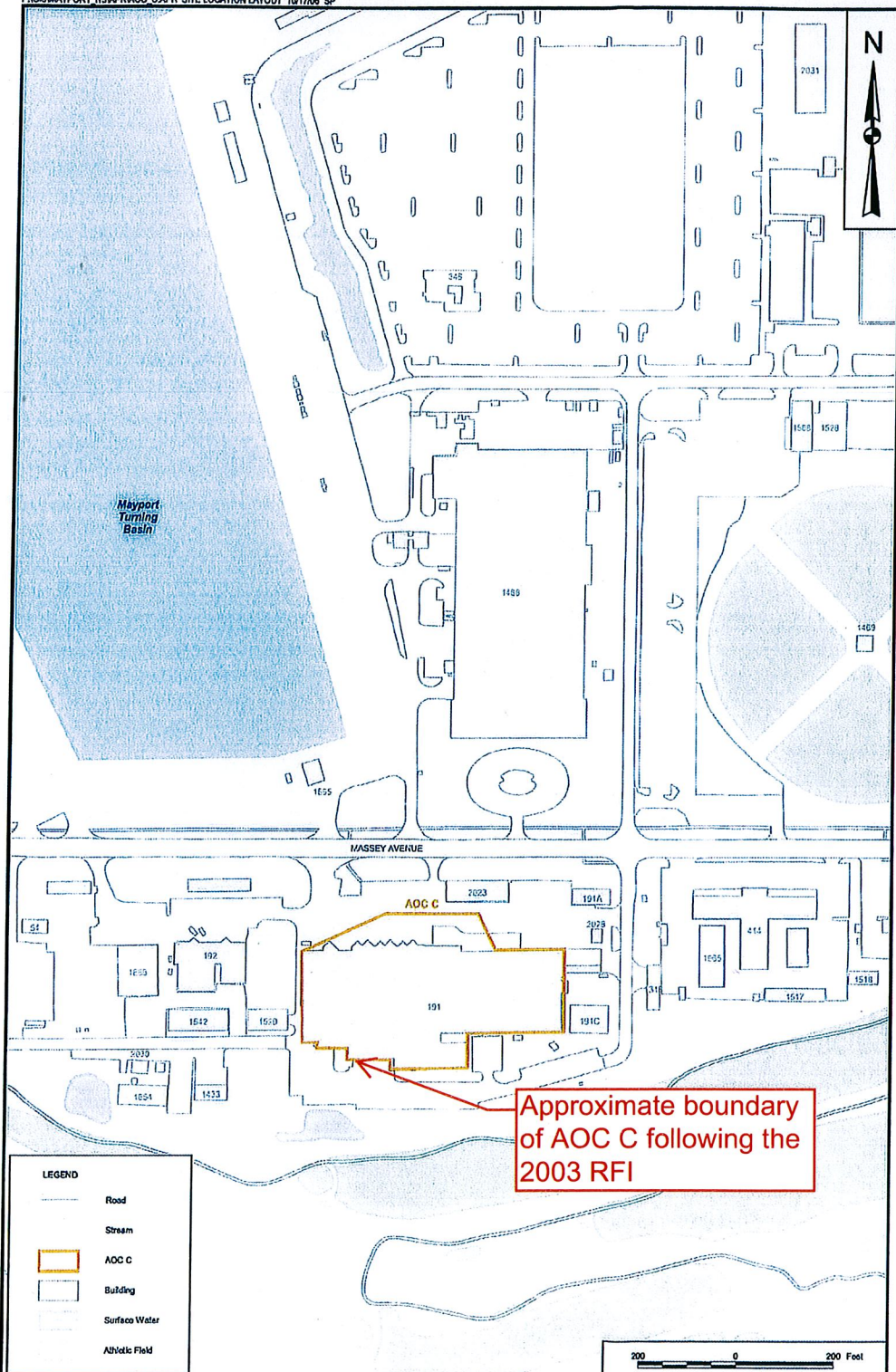
September 11, 2013
Date

EXHIBITS 1 and 2



06JAX0138

PIGISMAYPORT NSMAYPORT CAPR SITE LOCATION LAYOUT 10/17/06 SP



DRAWN BY	DATE
A. SANCHEZ	8/03/04
CHECKED BY	DATE
C. METZ	10/17/06
COST/GROWTH/AREA	
SCALE	
AS NOTED	

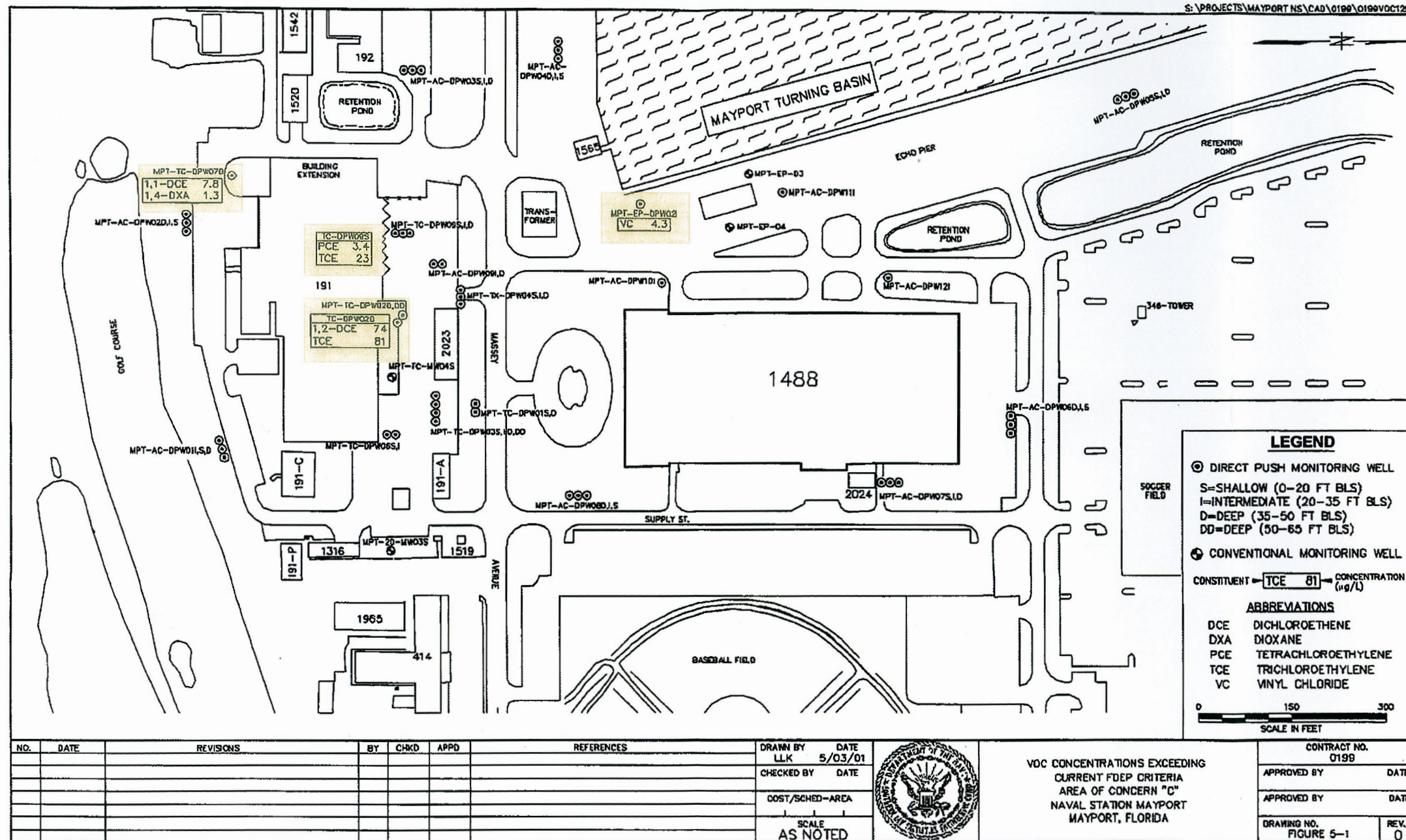


SITE MAP
AOC C
NAVAL STATION MAYPORT
MAYPORT, FLORIDA

CONTRACT NUMBER		DATE
CTO 0033		
APPROVED BY		DATE
APPROVED BY		DATE
DRAWING NO.	FIGURE 2-2	REV 0

Rev. 1
03/08/07

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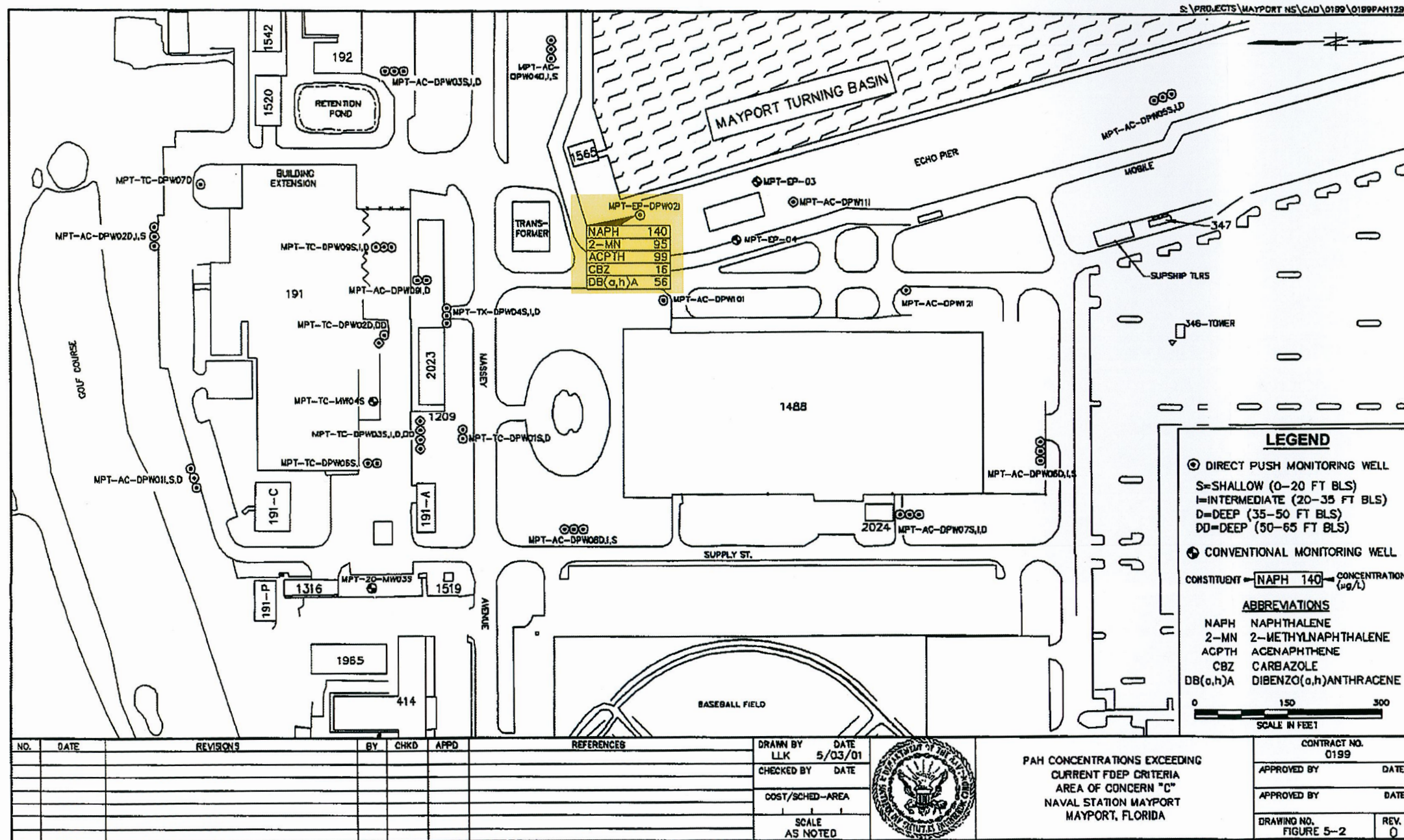


EXHIBIT 3

